

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:07-CT-3140-BO

JOHN CLYDE BRITT, JR.,
Plaintiff,

v.

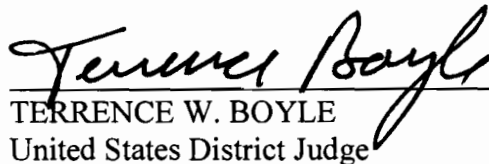
MATTHEW A. RAYMES, et al.,
Defendants.

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ORDER

Before the court is a motion filed by defendants for summary judgment. (D.E. # 77) Plaintiff, through counsel, has responded in opposition. (D.E. # 82) Plaintiff's remaining claim is that defendant Raymes used excessive force against him in the course of executing a search warrant on October 14, 2005, and that defendants thereafter conspired to conceal critical evidence relating to the shooting. (D.E. # 58) The parties agree that defendant Raymes shot plaintiff in the course of executing the search warrant. (D.E. # 77 and # 82) The parties disagree, however, as to how many times Raymes fired his gun, and whether Raymes shot plaintiff at close range. (*Id.*) Moreover, the parties have submitted conflicting evidence on these issues. (*Id.*) Additionally, pending before the Honorable William Webb is an unopposed motion to appoint an expert witness. (D.E. # 76) The court therefore denies the motion for summary judgment without prejudice pending resolution of the motion to appoint an expert witness. (D.E. # 77)

SO ORDERED. This the 17 day of March 2012.


TERRENCE W. BOYLE
United States District Judge